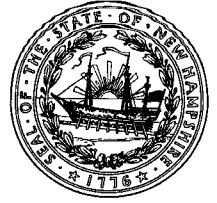




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-053**

June 5, 2006

Gregory Abbott, Sr.
Douglas Abbott
Abbott Furniture
563 Main Street
Lancaster, NH 03584

RE: DES Wetlands File #2006-01263 563 Main Street, Lancaster

Dear Sirs:

On May 23, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Lancaster Tax Map R2 as Lot 43 and Lot 45 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. Approximately 47,000 square feet of forested wetland had been stumped and grubbed without a permit from DES. The stump pile was located in the dredged wetland; and
2. Approximately 600 square feet of fill had been placed in a wetland adjacent to the culvert located to the rear of the property.

In response, you are requested to take the following actions:

1. By June 12, 2006, retain a certified wetland scientist to prepare a wetland delineation of Lots 43 and 45 in accordance with Section F of the *1987 Corps of Engineers Wetlands Delineation Manual*. Submit the name, address and telephone number of the certified wetland scientist by June 12, 2006.
2. By July 30, 2006, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by the certified wetland scientist, and include provisions for restoring the disturbed wetlands and for removal of the stump and log pile from wetlands on the Property. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 - i. Existing conditions, with wetland boundaries; and
 - ii. Proposed conditions after reestablishing the jurisdictional areas;

- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc.) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date; and
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Linda Magoon at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Letter of Deficiency WET 06-053

June 5, 2006

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Sincerely,

A handwritten signature in cursive script, appearing to read "Collis G. Adams", is written over the word "COPY" which is printed in large, bold, capital letters.

Collis G. Adams, CWS
Administrator
Wetlands Bureau

cc Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Denise Frappier, DES Site Specific
Craig Rennie, DES Site Specific
Lancaster Conservation Commission
Lancaster Board of Selectmen
USACOE